

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JOSE ALBERTO TAPIA-HERNANDEZ §

v. §

CAIN CONCRETE, L.L.C. §

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§

5:08CV59

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

_____ On May 28, 2008, the above-entitled and numbered cause of action was referred to the undersigned pursuant to 28 U.S.C. § 626(c) and the consent of the parties. The Court has been advised by the parties that this action has been settled. It is therefore not necessary that the action remain upon the calendar of the Court. Accordingly, it is

ORDERED, ADJUDGED AND DECREED that this action shall be, and is hereby **DISMISSED WITHOUT PREJUDICE**. Complete jurisdiction is retained to vacate this order and to reopen the action upon cause shown that the settlement has not been completed and further litigation is necessary. It is further

ORDERED that all other pending motions not expressly granted are hereby **DENIED**.

SIGNED this 23rd day of January, 2009.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE